

## SEEKONK ZONING BOARD REGULAR MEETING

### MINUTES May 11, 2009

Board Members in attendance: Ch. Edward F. Grouke, Ronald Blum, Keith Rondeau, Robert Read,

Absent with cause: M. Brisson

Gary Sagar was presenting on behalf of the Town of Seekonk for one petition and heard the remaining petitions.

7:06 Chairman Edward F. Grouke called the meeting to order.

This is the meeting of the Town of Seekonk Zoning Board of Appeals, May 11, 2009. First I am going to read the Rules and Regulations. I am going to read each petition as it was advertised and call upon the petitioner or their representative to present their case. All testimony, including the testimony and statements of the petitioner and/or the representatives or witnesses will be taken under oath. We will hear from anyone in the audience to speak either in favor of or against the petitioner or with any questions. At the close of the evidence, we will close the hearing. Usually we have a discussion and we also usually make a decision on the same night although we are not required to do that. We may take a petition under advisement and give a decision at a later date. It is our practice to decide it on the night of the hearing. There is an appeal that is available to the Superior Court by the petitioner or other parties who have standing. That appeal is governed by very strict time limitations. If anyone is considering an appeal, they have to be very careful to meet the time limitations that are set forth in the law.

**2009-11 The Town of Seekonk**, a Municipal Corporation with its principal business address at 100 Peck Street, Seekonk, MA, owner, by Alan R. Jack, Fire Chief, petitioner, requesting a **Special Permit** under Sections 5, and 6.2.13, to alter, reconstruct, and/or extend the Richard C. Banna Memorial Fire Station, 30 Pine Street, Plat 33, Lots 114 & 115 in an R-1 zone containing 10,916 square feet. Mark Brisson sitting in for Gary Sagar who is presenting.  
(Continued from April 30, 2009)

Ch. Grouke I would like to make a note that one of our members who sat on the hearing of April 30<sup>th</sup> is not here tonight. We just learned of this before we came to the meeting, he had a family emergency. Right now this Board consists of 4 members one of whom has (inaudible) some testimony in this matter and he won't be hearing it tonight. Mr. Sagar, did you intend to present additional evidence tonight?

G Sagar We have a little bit of testimony tonight, yes.

Ch. Grouke Now, before we get going, counsel could you step forward please.

David Merritt Counsel for abutters, 50 Redfield St. Suite 202 Boston, 02111. Sworn in.

Ch. Groucke Do you have any comment on the fact that we have a member that is not here at this juncture?

D. Merritt No, as I understand it this matter is going to be continued and what I have to say, I don't think the gentleman has to be here.

Ch. Groucke Very well. Mr. Sagar we will let you go forward then.

Gary Sagar Sworn in. 30 Elaine Ave The first item is a housekeeping issue and I would like to submit a revised application for the special permit and all this does is indicate on the application the sections that we are requesting the special permit so it reflects the legal Copies of the revised application was passed to the Board members and abutter's counsel.

There are some items that the abutters had requested in the form of documents. The town did produce them in a timely fashion. Those did sit in the Town Administrator's office for one week, they have since been picked up and they are in possession of them at this time. One of those items that was provided to them was a study of the Seekonk Fire Dept from June 2002 conducted by the Massachusetts Municipal Association out of Boston. The Fire Chief is not with us this evening he is out of town on other commitment. I would like to put some testimony on record by a former member of one of the building committee to give some insight as to how the station next door at 500 Taunton Avenue, its history and how it evolved

Ron Charron (Police Chief) 75 West River St. sworn in Mr. Sagar approached me after the last meeting regarding the background and how we ended up with combined police facility vs. there was some discussion with the Mass Municipal Association study in 2000 about two separate fire stations in town. The history of why we ended up with a combined facility goes back to 1989. If you look at the front cover here, there is a picture of combined police fire facility. That was a result of a study that was done by another committee. The decision was to combine the facility for cost savings and during year, the town meeting was for \$3.44 million and it was defeated at town meeting 54 – 36. In 1996 the question of a combined police fire facility along with the renovation of two schools was put before town meeting, actually the January 22, 1996 special town meeting, asked the town moderator to appoint a police facility study committee to revise and update a design plan and specifications for construction of a new police/fire station, that was in January 1996. Subsequently, on February 26, 1996, article three, a motion was made and seconded to appropriate \$19.5 million to design, construct, a new combined police and fire along with Aiken and the Middle schools, they borrowed 4.7 million, they didn't borrow, they received authorization at town meeting, that subsequently went to voters in April of that year and passed that

year on April 1, 1996. From that point on,, and I was asked to serve on that committee as a member of the police department on that building committee. It languished for a while because of challenges to the location of the building, we were trying to put the building on Pleasant Street however from the beginning it was a combined police fire facility, during the subsequent 4 years,, the committee had challenges, one of the plans included separating the two facilities, a plan was floated that the complex would be located at the Seekonk Fireplace Showcase. One of the problems was that the money was specifically allocated at Town Meeting for a combined police- fire facility so anything else that came up that did not include that concept would have been against the voters wishes, and there were concerns that it would have to go back to town meeting and the voters to have the project re approved because it was clear in the language of the articles that was passed that it always said combined facility. I am not really sure what prompted the Mass Municipal Association study, I think the people were looking in every direction to try and satisfy public safety needs, and subsequently what the fire department tried to do in June 2000 that was referred to at the last hearing, however that was not feasible given the fact that the monies, \$4.7 million was allocated for a combined police/fire facility. Ultimately the, building was brought to town property here. (inaudible). So there is a little bit of background, the town reports have refreshed memory, it has been about 10 years.

G Sagar            One of the other questions raised at the last hearing was are there any other alternative sights in the north end that were considered other than the 30 Pine Street location. I requested that the Town Administrator be here this evening but he is at a budget meeting with the Board of Selectmen and Scholl committee so he is unavailable. His statement to me was, and he authorized me to speak on his behalf, the Board of Selectmen in Executive Session discussed at least 5 other locations in the north end of town. Those were all discounted for one reason or another. There was one location that was discussed in open session that was the old McCarron's Florist on Route 152 that was recently sold. In order for the Town Administrator to even appear here to name those five locations, he must attain permission from the Board of Selectmen to release that information from executive session. If the board feels that is necessary I will suggest we make that request and maybe the Selectmen could release that information. There were alternate locations looked at, the Town Administrator requested me to look at the Banna location and a location at the south end of Town. With this MMA study, when it comes to fires station locations (inaudible) this has now perpetuated the station in Seekonk this is all I have for now.

D. Merritt        In regards to the gentlemen's remark about the Selectmen's meeting, I think the Board should take great caution in analyzing that evidence due to the fact that we have no objective proof what those locations are. These could have just been brainstorming session when people were saying "How about next to the flower shop?" These are just ideas being thrown out, we should all just take that information with great caution, going forward. Ladies and Gentlemen, the point of any fire station is to provide optimal health and safety for citizens of the town it

serves. We mentioned the Mass Municipal Association report, which was issued June 2000, that report specifically listed alternatives a and b in north end of town however, it did not specifically recommend the Pine Street location for an alternative for a fire station. Did that because that location is not equipped for the optimal health and safety of the citizens of the town of Seekonk. At the present time, it appears we are trying to fit square peg into round hole, as the gentleman mentioned, this MMA report has essentially been thrown out the window. However as opposed to conducting an updated study in the year 2000, approximately 9 years later, we have just said sites a and b are not feasible. As opposed to doing an independent study from an independent body, we are just going to put it at the Pine Street location. So I would just request that the matter be put on hold and an independent study be conducted so that we can have actual hard evidence suggesting that this is in fact the optimal site vs. individuals coming forward saying "Well, I think it is the best site because..." Well with all due respect, if someone comes in front of the Town of Seekonk saying "I think" and they are a town employee, I think we could all agree they are fairly biased. Although it might be a good faith recommendation, I think it would be better if a neutral third party was making that recommendation,. I would also like to point out the fact that if constructed it would only house 2 firefighters at a time. OSHA requires in its mandate that there be a minimum of 4 fire fighters at a time to handle a fire, I think we can put a scenario in our heads that if an emergency fire is called and the two firefighters are the first responders and they have to go into a building, it creates a significant safety hazard, for not just that building itself and their surrounding structures due to the fact that there are no other fire fighters to contain the fire to that one location. Precisely one of the reasons why a neutral study should be conducted to explore the possibility of having an appropriate facility to house more than two fire fighters at a time and openly house more is so that the health and safety of the citizens can be protected. That is the end of my comments for the time being. I understand there has been a variance application submitted this evening and I think the meeting will be continued to a subsequent meeting.

Ellie Wiseman Sworn in Westdale Avenue. I lost one husband in 1976 but it was a call fire dept and they did everything they could. Then I remarried later on, my second husband had a massive heart attack and if it wasn't for Banna Station, and it was a call fire department, by the time the call fire station came, it gave time for (inaudible) them to come. When they say only 2, two is better than none. We definitely need it. Like I told you last month I did break my ankle, I did not call the rescue because of the fear that I would take away a rescue from north Seekonk with someone with their life in jeopardy, with a broken ankle yes, it hurts but I am not going to die. I have been there since 1960, we have lost 4 in our circle neighborhood. We are on the Attleboro line and since the fire dept on 152 in Attleboro and took their rescue on Route 123. No way, from my house to here is 15 minutes, that is on a good day with no traffic, snow and ice. Is it right to jeopardize our officers and fire fighters,, their life to try and save a life because we are to far away? It is not fair to fire fighters and their families, and not fair to

us, we are paying the same taxes. My first husband was the first fire chief at the Banna, and that was always to be a fire station and a working fire station. We do need this. Everybody in town knows it was a working fire department.

Ch Groucke I am going to ask if anyone else wants to speak regarding this petition but keep in mind that there is another petition being filed relative to this project and there will be another hearing date on this so tonight is not the last night when a person can be heard on this one.

Ch. Groucke Is there anyone to speak in favor of the petitioner? No response.  
Is there anyone to speak against the petitioner? No response.

G Sagar With all due respect to the attorney, I disagree with his comments but I will pass until the subsequent hearing until Chief Jack can attend because he can better answer those questions. And at the last hearing the issue was raised by the attorney's colleague about our application not including a variance, we firmly believe we have submitted a complete application, in the interest of cooperation, we request to continue this public hearing, and we will be submitting an application for a variance and ask that that will be heard at the June 1st meeting.

Ch. Groucke Mr. Merritt, is there anything you would like to add? The request has been made to continue this matter our next meeting of June 1<sup>st</sup>.

D. Merritt I have no further comment.

R Blum made a motion to continue until June 1, 2009, seconded by R Read and so voted unanimously. Ch. Edward F. Groucke, Keith Rondeau, Robert Read, and R. Blum

**VOTE: (Approve 4-0)**

K Rondeau Because there has been a variance to appease the abutters I am going to vote in favor of that continuance today. I was not in favor to continue to this date at the last meeting because I thought we had enough before us to make a decision, I still believe we have enough information to make a decision. I think that any delay in coming to a conclusion to this matter, we are talking about health and welfare of people in the whole north end of town, I think the delay is not the right thing to do but I will vote for a continuation only because a variance has been submitted, I think all the parties come before the June 1 meeting with as much information as possible s there wont be any more delays.

**2009-09 Seekonk Water Department**, Water Lane, PO Box 97, Seekonk, MA, owner; Omnipoint Communications, Inc. a Wholly Owned Subsidiary of T-Mobile USA, 15 Commerce Way, Suite B, Norton, MA. 02765, petitioner, by Jackie Slaga, 95 Indian Trail, Saunderstown, RI 02874, requesting an appeal of the Zoning Enforcement Officer's Decision and if necessary, a **Special Permit** and/or **Variance**, under Section 6.2 to allow the upgrade of an existing telecommunications facility including the addition of one antenna and one equipment cabinet, at existing wireless site at 954 Taunton Avenue, Plat 17, Lot 104 in an R-2 zone containing 34,848 sq. ft.

Ch. Groucke This matter was originally scheduled for April 30, 2009.

Jackie Slaga Attorney representing T Mobile sworn in. This application is straightforward. T Mobile occupied this site for a number of years. Currently the facility contains 6 antennas mounted to the water tank. At the base contains concrete pad, one additional antenna, gap of service if you look at site, going southeast gap going t hat direction by adding antenna closing gap without building new structure in this area, The proposed in your packet we have submitted structural we have also included photos depicted how it will be identical to those mounted on the tank. We have also enclosed an engineers affidavit, for the need to thus avoiding necessary to build tower, showed that tank is able to house antenna and additional pad, will not change nature of use, passive use, monthly once or twice monthly, no impact on traffic will not influence site, completes gap, 911 emergency and avoids tower.

Ch. Groucke Why do you need the additional cabinet?

J. Slaga We need an additional antenna to fill a coverage gap, directional antennas don't get 360 degrees, cabinet is to deal with capacity demands, antennas can only handle so many calls, cabinet to deal with calls, it will have a concrete pad, the new cabinet will go near existing pad.

G. Sagar I thought we took care of that coverage gap by the new tower one down the street.

J. Slaga I don't know where that is, generally 1mile and half coverage, we are limited by height of structure, tank is at tree line, restricts coverage form taller facility..

G. Sagar How many other factors haven't they told us because they are popping up everywhere.

J. Slaga Make sure they are servicing other site down road, this gap to close gap at this site.

K. Rondeau My understanding, this one is still in litigation. None of abutters aware of decision if still in federal court, are you coming back?

J. Slaga Our goal is to provide seamless coverage I don't manage that site, that was proposed while this was in existence since late 90's early 2000, the site after me has been designed with the knowledge that this site exists, what we are proposing here identical to what is up there with the benefit of better coverage.

K. Rondeau The coverage is limited to 1.5 miles?

J. Slaga On the water tank site, we are limited to the height of the tank, just about tree level. The signal starts to fall off, the more it degrades the signal because of shape of tower cut off by tower itself, it is a big tank these are directional antennas, they have noticed that they have a gap in the 180 sector and sometimes with large structures they don't always get a new free standing facility always want to take advantage.

Ginger Denneny 51 Lincoln Street one thing they are doing is they keep popping up, they wanted to put their antennas around the water tank, they did not want anything on the structure, I told you at the time, you opened up a can of worms, they have all their antennas on there.

Mark Blais 67 Lincoln Street The board already granted them to have the antenna, why are they not moving two of the others this is something new. The noise from the cabinets at night they hum away. Why does this carrier need another communications boxes? They pulse light they are so high tech of different colors, they are piling these things up. Why do they need another device on the ground, they handle so much already, no need for this and a fourth antenna?

J. Slaga This board approved facility in late the 90's to go on the water tank. I understand they had many meetings with water department and confirmed that we would not interfere back in that time frame, T Mobile Omnipoint Communications brand name, had permission to install facility. Customer base has matured and they are examining facilities and identifying sites, this is not an isolated case. Every carrier examines facility to make sure meeting demands, simple solution identified, directional antennas gap at 180-degree mark. Generally need two cabinets, here tonight to fix gap in coverage, we saw what Verizon was going through, anyone who has gone to this site, (inaudible) as can be, equipment at base, most typically, small proposing small just to handle capacity upgrade to service client base, federal communications act, there are restrictions, can't discriminate, this was approved and we are asking for can't be arbitrary or capricious. We have done a contentious job here with out impacts to site.

G Sagar Why can't you reposition the antennas?

J. Slaga Those antennas are needed to cover those sectors. Shifting one would leave a problem with sector.

- G. Sagar I question timing.
- J. Slaga Sometimes that is how it goes, when we were originally building in this area, they have grown and changed, hard to say each site is individual work in conjunction
- K. Rondeau When was last time you were here last?
- J. Slaga It was Verizon who upgraded.
- K. Rondeau Who will use this new antenna?
- J. Slaga Only T Mobile will use antenna and cabinet, in ten years this is our first upgrade.
- K. Rondeau Is it customarily practice for companies to share facilities and or technology.
- J. Slaga Our antennas are separately owned and used.
- R. Blum Do you have any radio frequency studies to show us the studies?
- J. Slaga Not here tonight.
- R. Blum Maybe an engineer could shed more light on this.
- R. Read I feel we are obligated to look into the humming from the existing box, and a master plan for the area is excellent.
- G. Sagar I would like to know the decibel levels of that humming, Verizon has a generator permanently at that site.
- R. Blum They have two very separate requests, one for an antenna, and the other is a cabinet due to high traffic, having the antenna does not mean you need the box.
- J. Slaga We only have one cabinet there now, unusual design usually it is two or more , addition of cabinet is to handle additional call volume, one cabinet is unheard of.
- R. Blum That is what you asked for.
- J. Slaga This is a simple solution, the site is capable, the water dept. has signed off, this is benign, I appreciate there has been issues with this site over the years, we are trying to do the right thing by not building something in the area
- G. Sagar Would it be right to ask for a decibel study of this site?
- J. Slaga What if one of the other facilities is the problem? Which would be my guess based on my knowledge of the industry. What can I do about that?

- Ch. Grouke If you did a study like that then you would come in and probably say that regardless to what the noise level is that this Board could not attribute the noise level to you.
- K. Rondeau The study must be done correctly. What is the current decibel level, the expectation with a new cabinet by itself and then a third scenario is what is it when combined with the other. The existing, new, and combined decibel levels.
- R. Read In diagram showing antennas, the two to the right that are 120 are less than 90 that might have some thing to do with needing another one, the placement of the antennas are not a third, maybe that's why they need another antenna.
- J. Slaga There are two antennas per sector we are only proposing one, the two gives you a band with a vex and we are now trying to fill in the gap, we already have six and we are asking for seven.
- Mark Blais I appreciate this but these generate noise from air conditioning They already have everything they need.
- G. Sagar You don't feel that this study has merit?
- M. Blais I don't know what this will give, it will make noise.
- G. Sagar My suggestion to do it was for the neighbors.
- J. Slaga In terms of better equipment over ten years, there are still directional antennas, it does not increase their band, even though superior in other regards can't make directional antennas point over there, with tower can't make change approach, sometimes that spreads and creates gaps because antennas are directional. Equipment, Verizon is there with shelter, it has a number of cabinets, we have operated this facility with one cabinet, they are not large, not proposing alterations on the site concrete pad designed years ago contemplated upgrade, it is a matter of dropping it on the pad. On this site, we have operated minimally on this site and fill in a slight hole.
- G. Sagar I suggest June 29 is our next meeting and we can continue and request they come back with master plan and ask engineer that they can not reconfigure what they have on site that they need additional.
- K. Rondeau I have an issue with a cumulative effect. All these cabinets have a cumulative effect; I would like to see what that is.
- G. Sagar We want to see a Master plan by TMobile for where these facilities will be sited. Ron Blum wanted to see Radio frequency engineer to justify upgrade and a decibel noise study. Also look at reconfiguring or updating existing equipment in absence of adding additional equipment.

G. Sagar made a motion to continue until June 29, 2009. R. Blum seconded and so voted unanimously. Ch. Edward F. Grouke, Keith Rondeau, Robert Read, and R. Blum, G. Sagar

**VOTE: (Approve 5-0)**

**2009-12 Domenic Cassisi**, 31 Oakland Avenue, Johnston, RI, 02919, owner; Omnipoint Communications, Inc. a Wholly Owned Subsidiary of T-Mobile USA, 15 Commerce Way, Suite B, Norton, MA. 02765, petitioner, by Brian S. Grossman, Prince, Lobel, Glovsky & Tye, LLP, 100 Cambridge Street, Suite 2200, Boston, MA 02114, requesting an appeal of the Zoning Enforcement Officer's Decision and if necessary, a **Special Permit** and/or **Variance**, under Section 6.2 to allow the installation and operation of a wireless communications facility consisting of an 80' unipole and 6 wireless communication antennas within a 25'x 25' compound, at 2 Olney Street, Plat 6, Lot 9 in a Local Business zone containing 298,821 square feet. (Continued from April 30, 2009)

Simon Brighente I know we just heard testimony from Attorney Slaga regarding the upgrade of a T-Mobile site. I am the attorney from the firm that will be handling this matter from this time forward, 1350 Main St Springfield, Ma. Sworn in. Also here tonight is Muhammed the Radio Frequency Expert. I know you just went through application for an upgrade to another site. I will be using the term Tmobile and Omnipoint interchangeably. The company was called Voice Stream ten years ago, they have grown and now they are owned by Deutch Telecom out of Germany, largest in Europe. Omnipoint is the permitting division of the company. We are not company that likes to build towers, spec companies build towers in areas that build for companies the difference is that as a tower company, they are a commercial enterprise, we are also a commercial enterprise but we are a carrier and licensed to provide services regionally and locally, we are an FCC licensed carrier, my client is able to purchase a spot on the electromagnetic spectrum each carrier purchases or obtains a portion, every item is license by FCC, and assigned frequency and remain the same, always the same frequency that broadcasts, T Mobile obtained a frequency that is different than any other carrier in order to complete or build out the network the FCC says that the spectrum is valuable and makes sure building out your spectrum within certain amount of time, our companies try to build out network to meeting FCC guidelines. We then try to anticipate growth and need for these companies. A report in the Wall Street Journal sated that in the last six months, 20% households gave up landlines. With the recession, it is a type of thing cutting back on costs and service getting what they need in emergency. So many people have cell

phones and use them in emergency situations. 60% of calls are made from a mobile device. Back in 1996 the federal government put together federal telecommunications act., it provided guidelines for telecommunications guidelines for telecommunications providers and there was a realization that there was a natural tension that this was a popular service but also a lot of pole don't want in their area because of aesthetic reasons. The FCC decided we need to foster competition between carriers in an area, that one carrier can raise and lower prices, if competition is fostered, get service to go up and the market takes over and prices to go down, what this also does is say that people can't discriminate. You can't say we already have Verizon so we won't allow AT&T. Another part of it talks about prohibition, if the carrier can show or provide evident that there is a significant gap in service the carrier has the right to cover the gap by reasonable methods and the municipalities have the right to put stipulations of how a carrier can provide that service but they cannot in effect prohibit by telling them you can only put them on one or two spots in town or in certain areas. Town of Seekonk has a bylaw that does not include an ordinance regarding the provision of cell service. Many towns have significant regulations, those were drafted to work within the parameters of the federal government. My client looked around this area and found there was a growing need for service and we look for existing structures to mount antennas, inside churches, hidden services and could find nothing available so this area is where we are proposing to place this new facility and this is the coverage from the existing water tower. You can see from this plot where coverage comes in towards us and here you can see towards East Providence, this area here is largely residential and does not have any coverage for Tmobile, this shows coverage, incorporate this to what is out there now and what is out there in the future. I want to get right now to the facility we are proposing, we have looked into the area we are proposing, when we can't find an existing facility, we try to take advantage of the surrounding area to mitigate visual impact. We look for lowest height possible for connection, a lot within an area that does not have coverage. Most towns on average, they look at 120' as upper limit on height. The unipole we are proposing is 80' in height and that is why we are here, the building inspector has given the opinion that we are a public utility, that allows 40' as maximum height for a business district because this exceeds 40' we are here. We are proposing to put this in an existing plaza building, existing trees are there and landscaped area, we are proposing to place a stockade fence around the flagpole facility, pole with nothing outside all antennas and wiring inside you will see nothing on the exterior and it allows space for other carriers. Sprint or Verizon can come and use the pole without making modification to this. I have brought photos of examples, we try not to hide anything here and try to take the pictures when the unipoles are most visible, there is still snow on the ground, we do that because it has minimal vegetation. This facility is 100' in Springfield on route 291. The one we are proposing for this site is an 80' pole, this one has an American flag, this is a shot of it as you come up right in front of it. The proposed pole would be 20% shorter. This facility is in Connecticut, it is a 100' flagpole. The unipole we are proposing for this site has no external antennas, wiring, fenced compound around facility, stockade fence

proposed with pickets with gate to swing open and arborvitaes, there are some existing small trees that would be removed and would have the 25' compound surrounded by arborvitaes that start out at 6' in height when planted, that would give a landscaped look to the facility, and allow for equipment itself, cabinets are approximately 83" high x 52" wide x 28" deep and we would be putting in a total of 3 of them on a concrete slab within a fenced compound. You would have an ice bridge to protect wiring, that is what we are proposing for the facility to enhance coverage for the area that is not covered and due to increase and demand and capacity that is lacking in that area. I would like to go over the Zoning summary. We are in a local business district, we are looking at certain dimensional requirements, at least an acre, we are looking at 6 1/3 acres, lot front yard setback is 50' we have 62' frontage, side yard setback is 20' plus the lot area is 5' for any story over one so we calculated that and we have 112' which is more than the 50' needed. The rear yard setback abutting residential zone is 50' we have 462' and maximum building height is 40' so we are seeking an 80' facility.

- S. Mahmud 15 Commerce Suite B Norton, Ma. Sworn in. Radio Frequency Expert representing Tmobile. What you see here is a computer simulation of the existing coverage. Outside the town of Seekonk, the proposed area has less coverage or nonexistent coverage, the proposed coverage will provide continuous coverage in this vicinity. (inaudible) automobile traffic and subscriber, FCC must attain reliable and uninterrupted service nationwide. With the existing coverage at the current signal level, it is unable to fill in gap. Absence of green coverage is compromised. Some areas are not able to attain a signal, the proposed site will bring reliability to the network without suffering a loss in quality, the subscriber will be able to complete calls seamlessly without any hang-ups and drops. In the event of 911 emergency calls, first responders must trace and locate the caller, this is not optional. There could be a drop due to no coverage and absence of strong signal, some calls dropped perhaps could be 911 calls.
- S. Brighente You will see in this application why we feel this site is unique, size and shape of site, largest piece of property in area that requires coverage, there has been a significant gap in coverage in this area, in every aspect of the telecommunications act you need to look at size shape and topography and needs of carrier and available space for carrier to provide service. If there was a water tank, it would not work, you have to look at whether or not the site provides the best coverage.
- G Sagar Are you the same radio frequency engineer that would represent the previous applicant for the water tower?
- S. Mahmud No, I am not on that project.
- G. Sagar So, every time you come before us, there are different engineers and different attorneys. Is that by design, there is no continuity.

- S. Brighente Some of the coverage is considered to be part of the Rhode Island project because your town is unique in that it borders another state.
- G. Sagar In the last year, we have looked at the DiPietro site, that was a different attorney and a different engineer, the water tower is a different attorney and a different engineer, you..., is that by design?
- S. Brighente It is by design in that the network is a cohesive network it is not static.
- G. Sagar You have no master plan?
- S. Brighente There is a master plan but Omnipoint goes with what is needed and it does get tweaked.
- S. Mahmud We go along as the requirements are needed from subscribers, complaints, etc.
- Ch Grouke The DiPietro tower is located in a location on this map that is undoubtedly going to provide coverage to this area. I don't know if you are familiar with that, it is located on Route 44.
- S. Brighente It will help a little but it won't fill the coverage gap in this area.
- K. Rondeau What you are saying is that the cell phone has not gone beyond two cans and a string, you are talking about 1 mile to 1.5 miles. Lets talk about Tmobile within not even a mile radius, you have three cell towers, what is the effectiveness? We are paying as tax payers and customers what are we paying for?
- S. Brighente Tmobile works on wavelength different than other carriers, AT&T may not need sites close together, that this the technology, why don't they upgrade technology
- K. Rondeau You can change the equipment to accommodate wavelength maybe you need better and stronger equipment.
- S. Brighente There is a difference between the power and the wavelength. FCC regulates the power output, we operate with what the FCC determines. We adjust the power as necessary and can't add to what is out there.
- S. Mahmud The effectiveness of what is out there is based on the wavelength that is out there. This is up to the minute technology.
- K. Rondeau The problem is that you keep saying that the technology is the best but you keep coming back talking about the number of customers, customer proposed, and complaints. I keep hearing the need for increased coverage and increased demand but I don't see any data to support that.

- S. Brighente That data is updated on a constant basis, and we can supply the number of dropped calls and number of customers presently, we can supply the increase in customer base. There is some proprietary restraints that we have that is submitting certain information to the Board because it is a competitive industry some of the detailed information we may not be able to supply because it give leads to others companies, as far as how information is derived and models that are uses. AS far as hard data of the calls that come, the numbers that are dropped the percentage of drops, we can supplement the application if this is to be continued.
- K. Rondeau What is Compromised Coverage?
- S. Mahmud We try to maintain 95% time, when a subscriber is in the area, the phone will see all the bars are up, as a subscriber moves away on to County Street on this road, along the road, the cell bar will go from 5 down to 0, if someone is trying to make a 911 call and gets dropped, the coverage is compromised. Wireless coverage has limitations, signals begin to degrade, foliage building, manmade clutter.
- K. Rondeau In order to have maximum coverage you have to put a cell tower every half mile.
- R. Blum I would like to see if DiPietro property is out of litigation and if it would be displayed on this area, if that property goes into effect and goes onto route 44, how much of this will be covered?
- S. Brighente If that site were allowed and provided this coverage I would not be here, these are expensive facilities.
- R. Blum If the site on route 44 would cover some of this dead space, it would shed some light.
- S. Brighente Because Seekonk does not have a bylaw, they try to get as much collocation as possible, if that facility showed we could use a 60' tower, that is basically a one user facility, we are looking at the minimum needed, you need a ten foot vertical separation so others could not use it.
- R. Blum You had mentioned in your presentation other carriers, how many other carriers would you allow on that monopole, and how many cabinets on that ground base?
- S. Brighente Even though the bylaw is not specific, anyone else would have to come back before this board, right now 25' space for our cabinet and on antenna, our antennas and one here space of probably one other carrier and right now there is Cingular, AT&T, Sprint and Verizon and two other carriers licensed , tower can support one other carrier and two others in the compound.

- R. Read The previous attorney said you could need a tower every 1.5 miles would you agree?
- Shake It depends on topography it could go up to a mile and a half .
- R. Read It seems that two towers three miles apart the coverage under normal circumstances should be enough. Some of the existing towers are less than a mile and a half apart, I don't understand.
- S. Mahmud If they doubled in that area you would need a bigger cabinet, if the population is growing, and the coverage footprint is still the same, the only variation is the number of cabinets.
- R. Read When will this all be done by satellites?
- S. Mahmud Not in 5-10 years, this is local not global, if anything goes wrong, with equipment you can travel by car and fix, by orbit it is very limited scope.
- S. Brighente We do have satellite, down link, there is nothing going back up, phones, you have up link, the amount of power the phones need is a lot. There could be a combination.
- Ch. Grouke Is there anyone who would like to speak in favor of the petition? None
- Ch. Grouke Is there anyone who wishes to speak against the petition?
- Eric DeBiase 60 Jean Drive, sworn in. What would you do if this was not a business area, what is your backup area?
- S. Brighente They could not find anything else in the area. The Site Acquisition Specialist goes around to get a sense of the community and those sites either get approved or denied, if they get denied, they get appealed at court. Based on the FCC they are requiring coverage. We have done churches, town halls, if you say why are you putting it here and not there, there are always individuals looking to put somewhere else.
- Eric DeBiase Those other pictures are not residential, the flag is a good selling point, this is still a cell phone tower, this is 30 steps from my house. My kids are 3, 5, and 7. This is a residential area. I have cell phone, this is not the place to put it. We have a petition with 317 names of people who don't want it in that area. This is my house and you can get a feel for what this will look like with this tower. I believe if you think it is okay for this variance...I don't want to open Pandora's box Verizon will sublease, windows open, my kids play right here, balls go over the fence, it is an eyesore, it will devalue the land, we are all taking a hit right now, would you want to live there? My kids will grow up playing in the shadow of this tower, it is the cumulative effect of 25-30 years down the line. The ZBA is here to

protect the integrity of the town. We have some people moving out, including teachers..

Sharon Cayer, 70 Fieldwood Ave They have already called it a compound, what can Seekonk do now and in the future?

Ch Grouke We don't have anything right now, our job is to weigh that.

S. Cayer I hear about the needs of the company but what about the needs of us, I am so upset about this, would you like to have that in your backyard? It belongs in an industrial area.

Ch. Grouke They are going to say that it won't provide the coverage they need if it is put in an industrial area.

S. Brighente The term compound, I try not to use terms that try to hide anything. This is called a stealth facility, the word compound is for the area surrounded by a fence for aesthetic reasons and security reasons. This is a standard word in the industry. I live in the western part of the state, in a residential neighborhood and one has a cell tower within view of my home and it was put there before I was there. We are getting word from realtors that say I want to have service because I am running a business out of my house.

Frank Trojan 3960 Demark Court Cincinnati Ohio, sworn in. I lived in Seekonk from 1954-68 moved to Midwest. My folks moved to Jean Drive because the neighborhood was well kept and friendly, they took a lot of pride, never had a problem, what about the loss of property value of those who live in that area? The housing industry has lost a lot of money, people are walking away from their homes, property values have gone down, I have put quite a bit of money into that house I am keeping that house because I have been out of work. If this tower is put up it will destroy the aesthetic value of that neighborhood, I have written into the lease agreement that they keep that property up like I would, to allow this that close to a residential area is a farce, they are into this for money, they are talking about losing calls, we are talking about losing property values, I felt strongly enough to fly out from Cincinnati, this cannot be allowed to happen, there are so many areas in Seekonk to put this up, it does go up quite a way, in the winter, the people in the back of the subdivision can see that tower, I used to walk my kids in that area when it was a bank if this happens here, it will happen all over town, if I sell this house I will lose money because of the eyesore, I urge not to let this happen again

Steve Penoyer 457 County Street. Sworn in. I have lived there since 1967, the stores add to the value of the neighborhood, but when you build a tower it does not belong there, it is so out of place, we do get coverage he has a billion dollar company, we

wanted to be away from industrial would you have to close the sidewalk if there was freezing ice up the pole, there were no homes in the pictures he brought.

William Fisher 65 Eleanor Drive sworn in. I live 30 feet from the tower, this monstrosity, go down School Street the tower is 120'. I have a document; it says there are 24 towers 9 registered 15 not registered in town. How many more do they need? They will be here every six months you can't tell me you need a tower every mile and a half.

R. Read What do you mean registered and non-registered some are proposed and some are already up. If you really did need the towers, why can't you go to the commercial areas to put them?

W. Fisher What is in it for Seekonk, is there any positive influence, the only one is for the owner, lawyers and company itself.

S. Brighente As far as registered vs. not registered towers, we are at the end of a two year process because there are so many steps involved in this, the application starts at a point they are called unregistered, someplace along the line, someone filed something with the FCC.

W. Fisher The point is it is unlimited.

Ch. Grouke They would not do this if they did not need it

S. Brighente One of the things the towns require is collocation so they can have as few towers as possible. If somebody wants a space on a tower they would come to us and request space. The determination is not build on spec or rental income, it is helpful to us but we do not depend on it. We need service and this is the last resort. We are as innovative as possible.

Bob Sellers 72 Eleanor Drive, sworn in. How many cabinets are you proposing?

S. Brighente We are proposing three for present and future needs.

Bob Sellers What about the noise. I have a young child who lives with me. What about the gentleman here who has three children and the impact of the noise.

S. Brighente The cabinets emit just under 60 decibels and if you have three cabinets at 60 it is not 180, it is muffled by the fence and arborvitae. When you get 40-50 ambient sound, they do not operate all the time. They have a built in HVAC. They are fairly quiet like a refrigerator.

B. Sellers Would this effect your TV's?

S. Brighente As I said before, they are all at different frequencies.

Steve D'Amico 81 Briarwood Drive, sworn in. I thought I heard the potential of 2-3 additional antennas on this site.

S. Brighente We are designing it for the antennas we need, there would be room for two other carriers to put their equipment there.

S. Damico Based on my reading of code, a decision can't be based on environmental or health and you have to treat all carriers alike. I went on line to Tmobile website, showing one dead spot on Pimentel drive and the rest of the area ranges from excellent to good to fair, we are talking about one tiny island here and my concern is that we are giving up a lot in our neighborhood for a handful of houses. (Mr. D'Amico showed the ZBA a website showing good-excellent coverage in the area). This board could reject this request and suggest they look for land at the top of the Chestnut Hill. The Conservation trust has land there and would be less of a black eye. I would suggest that the petitioner would want to look for other areas.

Victor Couto 60 Jean Drive, I have TMobile and have perfect reception.

G. Sagar made a motion to request further information and continue until June 29, 2009, seconded by R Blum and so voted unanimously. Ch. Edward F. Grouke, G. Sagar, Keith Rondeau, Robert Read, and R. Blum

**VOTE: (Approve 5-0)**

G. Sagar made a motion to adjourn the meeting, seconded by K. Rondeau and so voted unanimously. Ch. Edward F. Grouke, G. Sagar, Keith Rondeau, Robert Read, and R. Blum

**VOTE: (Approve 5-0)**

The meeting adjourned at 10:30pm

Respectfully submitted by:

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Christina Testa, Secretary